

REMARKS

Applicants respectfully request reconsideration and withdrawal of the outstanding Office Action rejections in view of the following remarks.

Rejections under 35 USC § 103(a)

Claims 6 and 8-31 stand rejected under 35 U.S.C. 103(a) as being obvious over Oberdorf et al (US Pat. No. 6,114,342) in view of Jemty et al (J. Org. Chem. 1981, Vol. 46, 4545-4551) and Moody et al. (Synlett. 1999, No. 10, 1575-1576). Applicants respectfully submit that the combination of these documents cannot render obvious the present claims. Oberdorf discloses phenylacetic acid derivatives and their use for controlling harmful fungi and animal pests. Jemty discloses using iron chloride supported on silica gel as a means for ether cleavage. Moody teaches the use of indium metal as a reducing agent in the cleavage of benzyl ethers.

The Examiner references Table 1 of Jemty and argues that it discloses that iron is useful for the cleavage of benzyl ethers. This is plainly wrong. Table 1 addresses the "Oxidation of 1,2,5-Trimethoxybenzene" with FeCl_3 on a carrier. There is nothing in Table 1 which discusses a cleavage reaction.

Furthermore, the passage of the abstract in Jemty "[i]n one example the reaction is catalytic in FeCl_3 , being driven by oxygen" only teaches away from the instant invention. This passage clearly modifies the sentence of the abstract right before it ("Ten examples of substituted 1,4-bis(trimethylsiloxy)- or 1,4-bis(tert-

butyldimethylsiloxy) benzene oxidations are reported.”), and as such, the sentences have to be read together as a unit. Therefore, the passages refer to the oxidative conversion (but not ether cleavage) of 1,4-bis(trimethylsiloxy)2,5-di-tert-butyl-benzene (10d) to the quinine (11d) (this reaction is described from the bottom of the right column of page 4547 to the top of the left column of page 4548). It is explicitly stated at the top of the left column on page 4548 that “Of all the reactants studied, this [1,4-bis(trimethylsiloxy)2,5-di-tert-butyl-benzene (10d)] was the only one which reacted catalytically.” Thus, only one specific reactant, which is a completely different chemical entity and used in a completely different reaction, uses catalytic amounts of FeCl_3 . All other reactants for this specific reaction and all the other reactions described in Jempty do not use FeCl_3 in amounts even close to catalytic amounts.

The second passage of the abstract cited by the Examiner is “Benzyloxy aromatics are cleaved to phenols. In this reaction FeCl_3 acts on a Lewis acid.” really does not say anything of relevance. It only says that in the cleavage reaction the FeCl_3 acts as a Lewis acid – but it does not say anything about the amount in which it is to be employed.

Furthermore, the Examiner argues that the “most important element in the catalyst composition is the FeCl_3 , while the rest of the composition is to support the FeCl_3 .” This is also incorrect. Jempty discloses in Table IV that only FeCl_3 on SiO_2 is active in the reaction, while FeCl_3 alone is not.

Finally, the Moody reference does not read on the instant claims and formula II of the instant invention, contrary to the Examiner's allegations. Moody describes the reduction of nitro groups in 4-nitro-benzyl ethers and their cleavage. Though the variable "R" in formula II of the present claims may be a nitro group, there are no 4-nitro-benzyl ethers in the instant invention, because in formula II the nitro group can only be on the "phenol-side" of the formula, but not on the "benzyl-side" of the ether.

Applicants submit that the present claims are not rendered obvious by the combination of Oberdorf, Jemty and Moody. For these reasons, Applicants respectfully request reconsideration and withdrawal of the outstanding Office Action rejection. In addition, counsel will contact the Examiner to schedule an interview in the future. Counsel requests that the Examiner consider this response, but not issue a further Office Action until after the interview occurs. The assignee, BASF, will be sending a representative to join the interview and she will be in this country from mid-July to mid-September of this year and so we will try to schedule an interview in that window.

Favorable action is awaited.

Respectfully submitted,

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